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ABSTRACT

This lesson was developed to be one of three or four similar components of a projected final unit entitled "Understanding Contemporary International Conflicts in the Light of the Past" in a 10th grade world cultures class. The lesson examines how cultural differences contribute to international conflicts. It presents an objective, cites student skills, and suggests mode of participation (8 to 12 students organized into two equal groups). Activities in the lesson are outlined for both groups, and an essay is assigned to complete the lesson. Three student readings are attached. (BT)

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by Mike Dunlap, Oakland Technical High School, CA

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CONFLICTING CONCEPTS OF HUMAN RIGHTS: CHINA VS THE WEST

by Mike Dunlap, Oakland Technical High School, CA

Context:

I envision this lesson as one of three or four similar components of a projected final unit entitled "Understanding Contemporary International Conflicts in the Light of the Past", which would wrap up on my 10th grade World Cultures course.

Objective:

To develop an understanding of how cultural differences and historical "baggage" from the colonial/imperialist era contribute to international conflicts and to develop an awareness of and an appreciation for different cultural perspectives.

Skills:

Students will do research using both printed materials and the Internet. Students will analyze arguments and construct arguments of their own and hone their skills in debate and rhetorical presentation.

Mode of Participation:

I envision this project involving eight to twelve students organized into two equal groups, A and B. Each of these groups in turn would be subdivided into two debate teams of two or three members each. The remainder of the class would participate as the audience. A possible alternative would be to structure the debates in a "talk-show" format a la Jerry Springer. That format would encourage active audience participation and engagement.

Outline of Activities:

Group A: China vs. Britain in the Opium War (1839-1842)

One debate team will represent officials from the Imperial government and the other will represent British merchants and government officials. The debate teams will research and develop arguments to explicate and support their side of their side of this dispute. Both will give their assessments of the outcome of the war.

Some issues:

1. British doctrine of "free trade" vs. Chinese view that merchants and especially foreign trade should be carefully controlled by the government to protect the state and the people.
2. Should drugs be legalized?
3. British demands for "extraterritoriality" in response to Chinese demands that British authorities surrender a sailor to be punished for the murder of Lin Wei-hsi in accordance with the Chinese of collective responsibility.
4. Sources: Students will refer to their textbook, books from the library and provided by the teacher and handouts (see attachments).

Group B: The Dispute Between China and the U.S. over Human Rights

One debate team will represent officials from the Chinese government and the other will represent officials from the U.S. State Department. The debate teams will research and develop arguments to explicate and support their side of this dispute. Each time will begin by explicating their side's concept of what constitutes good and legitimate government and what is the proper relationship of the individual citizen to his/her government. The Chinese team will present their concept of a benevolent authoritarian model, drawing from both the traditional Confucian and the Marxian doctrines and the U.S. team will present the Lockean viewpoint, focusing on the concept of "natural rights." The U.S. team will critique the conduct of the Chinese government for violations of human rights citing specific examples (Tiananmen Sq., Falun Gong, etc.) The Chinese team will respond by critiquing the failures of the U.S. government (homelessness, drug addictions, etc.).

Questions:

1. Are there Universal Human Rights?
2. If so, how/who should define them and how should they be enforced?

3. What do you think will be the outcome of this dispute?

Sources: Students will refer to their textbook, books and magazine articles and the Internet. Handouts will be provided (see attachments).

Essay:

To wrap up this lesson students will be assigned a short reflective essay of approximately two pages in length. Students will respond to the following prompt: **"Compare and contrast these two conflicts between China and the West. How might the first conflict influence the attitudes of the Chinese and the Americans in the contemporary dispute over human rights?"**

Some Sources:

- *China: 100 Years of Revolution by Harrison Salisbury*, pp. 23-27. ("Blue Sky" Lin)
- *Economics: an Introduction to Traditional and Radical Views* by E.K. Hunt and Howard Sherman, pp. 39-43. (the rise of Classical Liberalism and the doctrine of "Free Trade")
- *A History of Asia* by Rhoads Murphy, pp. 244-245 (synopsis of the Opium War)
- "On The People's Democratic Dictatorship . . . ", speech by Mao Tsetung (June 30, 1949)
- *The Opium War Through Chinese Eyes* by Arthur Waley, pp. 55-61. (the murder of Lin Wei-hsi and the issue of extraterritoriality)
- SPICE Unit, Lesson #4, U.S. - Sino Relations pp. 168-174. (brief summaries of the two governments' opposing views in the human rights dispute)
- U.S. Bill of Rights
  http://www.nara.gov/exhall/charters/billrights/billrights.html

Commissioner Lin and the Opium War

Excerpted from China: 100 years of Revolution by Harrison E. Salisbury

In the year in which Tao Kuang took the throne five thousand chests of opium entered China. From the beginning the Emperor strove to find some means of dealing with the evil. Opium was being sold openly in Peking, smuggling went forward on a grand scale and cultivation of the poppy spread through Shansi Province. By the 1830s the Emperor was encouraging a grand debate over what could be done.

Some officials boldly proposed legalizing the trade. They doubted the ability of any system to prohibit its import and cultivation, because of the corrupting power of the money it generated. Be realistic, they argued; permit its sale, control its use and let the throne profit from the trade. These arguments were opposed by the Moralists, who felt there could be no compromise with evil. If opium were legalized, soon the whole country would be lighting up pipes.

The Emperor came down on the side of prohibition. In the long debate about opium, an exemplary official, Lin Tse-hsu, governor general of Hopeh and Hunan, had emerged. He argued that unless the opium problem was solved China would soon possess no army, simply because she would not be able to find any soldiers fit to serve. Lin's moral zeal converted the Emperor. Lin recognized that cutting off the supply of opium was not sufficient to wipe out addiction. He was prepared to threaten with death addicts who persisted in smoking, but he also believed that addicts must be helped to rid themselves of the habit: they were, in effect, the victims of an illness and must, like China itself, be restored to normal health.

No longer, said Lin, could China limit its action to measures against her own people. The foreign traders played a critical role. It was they who had brought the drug into the country and they must be dealt with. The emperor agreed. He invested full confidence in this man whose reputation was so pure he was called "Lin Blue Sky," and after repeated meetings, the Emperor dispatched Lin to Canton on January 8, 1839.

Lin sent an appeal to Queen Victoria, who was twenty years old and had been on the English throne for only two years. "I have heard that the smoking of opium is very strictly forbidden by your country. Why do you let it be passed on, to the harm of other countries? Suppose there were people from another country who carried opium for sale to England and seduced your people into buying and smoking it? Certainly your honorable ruler would deeply hate it and be bitterly aroused. May you, O Queen, check your wicked men and sift your vicious people before they come to China, in order to guarantee the peace of your nation, to show further the sincerity of your politeness and submissiveness."

There is no evidence that the young queen ever saw Lin's letter, which was taken to London on his behalf by a friendly English trader. Nor did the government of England respond.

Lin compelled the English to close down the opium trade (it had already been virtually suspended by Governor General Teng). The Canton trade press reported in January 1839 that "there is absolutely nothing doing and we therefore withdraw our quotation [for opium]." Lin ordered the British and other foreign traders to surrender their opium stocks, 21,603 chests. He had three trenches dug, a hundred fifty feet long, seventy-five feet wide, seven feet deep, at Hu-men on the Pearl River delta. There,

beginning June 5, 1839, as he was later to write, "I had water diverted into the trenches. There, beginning June 5, 1839, as he was later to write, "I had water diverted into the trenches. Then I had salt sprinkled into the pools. Finally I had the opium thrown into the pools and added lime."

The mixture was flushed into the sea before the unbelieving eyes of high Chinese officials and foreign merchants. They were impressed. The whole operation took twenty-three days, and when it was done not a chest of opium remained in Canton.

For the moment there was hope. China was free of opium. Lin was showered with honors by the Emperor and offered high posts. He refused and went forward with what he perceived as the second stage of his job--to prevent foreigners from resuming the traffic. To this end he demanded that all traders, in return for permission to trade, sign a bond to abide by China's prohibition of opium traffic.

The British refused, and on September 4, 1839, a small British naval force attacked a fleet of Chinese war junks at Kowloon (the British had fled Canton and were running low on water and provisions at their anchorage at Hong Kong) and sank them. What would go down in history as the Opium War had started but neither British nor the Chinese were aware that they gone to war; months would pass before it would become plain that the world's oldest empire and the nineteenth century's most aggressive new empire had embarked on a collision course, which the young Tory leader William Gladstone would describe thus: "A war more unjust in its origin, a war more calculated to cover this country with permanent disgrace, I do not know."

Despite Gladstone's words, the war was quickly and efficiently won, although Emperor Tao Kuang still was not clear about what happened. How could he have been? Just before the outbreak of hostilities, he had received a memorial from a court official giving him an estimate of English military power: "The English barbarians are an insignificant and detestable race, trusting entirely to their strong ships and large guns . . . Though waterproof, the ships are not fireproof . . . When once on fire we may open our batteries upon them, display the celestial terror and extermine them without the loss of a single life . . . Without therefore despising the enemy we have no reason to fear him."

But if the Emperor was still confused Lin Blue Sky was able to look the truth squarely in the eye. He had purchased foreign cannon to try to oppose the English guns. He had bought a foreign ship to experiment in the tactics of Western war. He knew the answer to the tragedy: English firepower, English weapons, English technology. Against them Chinese bravery, even the fanatic dedication of the Manchu bannermen, was no match. They could not stand up to the English shot and shell, the fast-firing guns, the heavy artillery. The West was stronger, far stronger than Lin had known, far stronger than the Emperor could imagine. Lin was not a man given to self-deceit. It was, of course, his probity, his moral rectitude which had played so great a role in bringing about the confrontation, unexpected by either side, which led to the war and to the quick and total defeat from which the Ching dynasty never was to recover.

Inevitably, Lin paid the price. The Emperor who had so highly complimented him now heaped blame for the disaster on this honest man. Lin was denounced to the English as the source of all the trouble and sent in exile to distant Ili in Sinkiang. As he made his arduous way to the western desert he set down his thoughts in a private letter to a friend, forbidding its publication lest it further offend the Emperor. He offered his *post facto* analysis and then added: "What was to be done, what was to be done?"

The Rise of Classical Liberalism

Excerpted from Economics by E.K. Hunt and Howard Sherman

It was during this period of industrialization that the individualistic worldview of classical liberalism became the dominant ideology of capitalism. Many of the ideas of classical liberalism had taken root and even gained wide acceptance in the mercantilist period, but it was in the late eighteenth and nineteenth centuries that classical liberalism most completely dominated social, political, and economic thought in England. The Christian paternalist ethic was still advanced in the writings of many of the nobility and their allies as well as many socialists, but in this era these expressions were, by and large, dissident minority views.

Several explanations are necessary for an understanding of why the classical liberals thought society so useful. For example, they talked about the "natural gregariousness of men," the need for collective security, and the economic benefits of the division of labor, which society makes possible. The latter was the foundation of the economic creed of classical liberalism, and the creed was crucial to classical liberalism, and the creed was crucial to classical liberalism because this philosophy contained what appear to be two contradictory or conflicting assumptions.

On the one hand, the assumption of the individual's innate egoism had led Hobbes to assert that, in the absence of restraints, people's selfish motives would lead to a "natural state" of war, with each individual pitted against all others. In this state of nature, Hobbes believed, the life of a person was "solitary, poor, nasty, brutish, and short." The only escape from brutal combat was the establishment of some source of absolute power—a central government—to which each individual submitted in return for protection from all other individuals.

On the other hand, one of the cardinal tenets of classical liberalism was that individuals (or, more particularly, businessmen) should be free to give vent to their egoistic drives with a minimum of control or restraint imposed by society. This apparent contradiction was bridged by the liberal economic creed, which asserted that if the competitiveness and rivalry of unrestrained egoism existed in a capitalist market setting, then this competition would benefit the individuals involved and all society as well. The view was put forth in the most profound single intellectual achievement of classical liberalism: Adam Smith's *The Wealth of Nations*, published in 1776.

Smith believed that "every individual . . . [was] continually exerting himself to find out the most advantageous employment for whatever capital he can command." Those without capital were always searching for the employment at which the monetary return for their labor would be maximized. If both capitalists and laborers were left alone, self-interest would guide them to use their capital and labor where they were most productive. The search for profits would ensure that what was produced would be what people wanted most and were willing to pay for. Thus Smith and classical liberals in general were opposed to having some authority or law determine what should be produced. "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest," wrote Smith. Producers of various goods must compete in the market for the dollars of consumers. The producer who offered a better-quality product would attract more consumers. Self-interest would,

therefore, lead to constant improvement of the quality of the product. The producer could also increase by cutting the cost of production to a minimum.

Thus a *free market,* in which producers competed for consumers' money in an egoistic quest for more profits, would guarantee the direction of capital and labor to their most productive uses and ensure production of the goods consumers wanted and needed most (as measured by their ability and willingness to pay for them). Moreover, the market would lead to a constant striving to improve the quality of products and to organize production in the most efficient and least costly manner possible. All these beneficial actions would stem directly from the competition of egoistical individuals, each pursuing his or her self-interest.

What a far cry from the "solitary, poor, nasty, brutish" world Hobbes thought would result from human competitiveness. The wonderful social institution that could make all this possible was the free and unrestrained market, the forces of supply and demand. The market, Smith believed, would act as an "invisible hand" channeling selfish, egoistic motives into mutually consistent and complementary activities that would best promote the welfare of all society. And the greatest of it was the complete lack of any need for paternalistic guidance, direction, or restrictions. Freedom from coercion in a capitalist market economy was compatible with a natural orderliness in which the welfare of each, as well as the welfare of all society (which was, after all, only the aggregate of the individuals that constituted it), would be maximized. In Smith's words, each producer

> intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. Nor is it always the worse for society that it was not a part of it. By pursuing his own interest he frequently promotes that of society more effectually than when he really intends to promote it. I have never known much good done by those who affected to trade for the public good. It is an affectation, indeed, not very common among merchants, and very few words need be employed in dissuading them from it.

With this statement it is evident that Smith had a philosophy totally antithetical to the paternalism of the Christian paternalist ethic. The Christian notion of the rich promoting the security and well-being of the poor through paternalistic control and almsgiving contrasts sharply with Smith's picture of a capitalist who is concerned only with "his own advantage, indeed, and not that of society . . . But the study of his own advantage naturally, or rather necessarily leads them to prefer that employment which is most advantageous to the society."

Not only would the free and unfettered market channel productive energies and resources into their most valuable uses, but it would also lead to continual economic progress. Economic well-being depended on the capacity of an economy to produce. Productive capacity depended, in turn, on accumulation of capital and division of labor. When one man produced everything he needed for himself and his family, production was very inefficient. But if men subdivided tasks, each producing only the commodity for which his own abilities best suited him, productivity increased. For such a subdivision of tasks a market was necessary in order to exchange goods. In the market each person could get all the items he needed but did not produce.

The Lin Wei-his Affair and Extraterritoriality

Excerpted from The Opium War Through Chinese Eyes by Arthur Waley

It was the murder of Lin Wei-hsi, which did so much to embitter Chinese-English relations in the coming months. It seems that a party of English and American sailors landed on July 7th, got drunk and started a quarrel with some local peasants, one of whom died from his wounds on the following day. Lin again and again demanded that the murderer should be handed over; Elliot as often insisted that it had proved impossible to discover which of the sailors had dealt the blow. But of course the wider question of extraterritoriality was also involved. Until 1842 no Convention existed by which the English had the right to try their own delinquents according to their own laws, and Elliot was not empowered to make such a claim. To Lin it seemed self-evident that the failure of the English to hand over the culprit was simply a disguised attempt to assert extraterritoriality in direct defiance of the Manchu Penal Code.

On August 17th he replied at length to a note in which Elliot said that 'in obedience to the clear instructions of his Sovereign' he was unable to hand over any offender to Chinese justice, but that if he succeeded in finding out who killed Lin Wei-hsi, the murderer would be duly executed. Lin took this to mean that after the demand for the surrender of the murderer, Elliot had written to England asking for instructions and had already received a reply. 'Your Sovereign', Lin retorted, 'is myriads of leagues away. How can you in this space of time possibly have received instruction not to hand over the culprit? . . . If the principle that a life is not to be paid for a life is once admitted, what is it going to lead to? If an Englishman kills an Englishman or if some other national, say a Chinese, does so, am I to believe that Elliot would not demand a life to pay for a life? If Elliot really maintains that, after going twice to the scene of the murder and spending day after day investigating the crime, he still does not know who committed it, then all I can say is, a wooden dummy would have done better, and it is absurd for him to go on calling himself an official.' Lin warns him that if he fails to hand over the culprit, Elliot himself will be held responsible for the murder.

Lin's contention that any blockhead could long ago have discovered who struck the fatal blow seems to me utterly unreasonable. The only weapons that had been used were sticks. The victim, as I have said above, did not die till next day. At the inquest held by the Chinese local authorities he was found to bear the mark of a heavy blow with a stick across the chest. Many blows had been struck, and it was clearly impossible to ascertain which of the seamen concerned had struck the blow that proved fatal. And actually, in default of expert medical evidence, it was by no means certain that the blow was the cause or at any rate the sole cause of death. A healthy man would not normally die of a blow with a stick across his chest.

Lin in his note to Elliot also mentions that in order to bring him to his senses he has been obliged to give orders that the English at Macao are to be cut off from all supplies. There was, as he subsequently pointed out to the Emperor, a precedent for this: the same thing had been done when in 1808 Admiral Drury attempted to seize Macao, on the pretext that the French were intending to do so.

I want to say something more here about the general question of extraterritoriality, and the extent to which the English demand for it was justified. We are apt to look at the matter from the angle of the later nineteenth century, when English law was certainly far less harsh than Chinese and English prisons were infinitely superior. But

it is doubtful whether in 1839 Chinese prisons, insanitary and in every way abominable though they were, compared very unfavourably with English prisons. As regards harshness of the law and wide application of the death penalty it must be remembered that according to English criminal law of the period of a man could still be executed for stealing any sum over a shilling. One very bad feature of Chinese trials had, however, no parallel in Victorian England. I refer to the use, fully sanctioned by the Manchu dynasty Code, of torture in order to produce confessions and evidence by witnesses. If those who use torture to obtain evidence really believe or have ever believed in the past that it can yield valid information, this is surely one of the strangest aberrations of the human spirit! But in China, and no doubt elsewhere, confessions of guilt, produced by whatever means, served a subsidiary, propaganda purpose: they suggested to the masses that the magistrate concerned had not acted arbitrarily or harshly. For who was he to contradict the accused man's assertions about his own crime?